IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No. 4623 of 2005

Shri Sachin B Deshmukh . petitioner

vs

The Chairman Shri Raja Shiv
Chatrapati Shikshan Prasarak
Mandal and ors .. respondents

Ms Preetam Tendulkar for Mr Karnik for petitioner

Mr. Bhushan Kakade AGP for respondent 3, 4 and 6

CORAM;A.P.SHAH & D.Y CHANDRACHUD JJ.

Dated 5.8.2005

P C:

Heard the learned counsel for the parties. Perused the record including the order of the appellate authority. The petitioner claims that he was appointed as Assistant in the Ashram Shala (school) conducted by the respondent no.l and he served in the said school from l.8.2003 to 30.4.2004. The appellate authority has found that the appointment of the petitioner was not approved by the Social Welfare Officer as there was no resolution of the management appointing the petitioner as Assistant. It

appears that the claim has been set up on the basis of an appointment letter issued by the erstwhile President of the respondent no.1 Shri D J Deshmukh. It appears that the change report submitted by said Shri Deshmukh has been rejected by the Asst Charity Commissioner. It is further seen that the Social Welfare Officer has carried inspection of the school and it was found that during the relevant period respondent no.5 was working as Assistant (cook). The attendance registser of the school also showed that respondent no. 5 was working during the relevant period. Under these circumstances, the case of the petitioner that he was in service of the school and his services were unlawfully terminated by the management cannot be accepted. Petition is dismissed.